EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alejandro Dee, et al.	Date:	November 6, 1997
Serial No.:	08/602,498	Group Art Unit:	2617
Filed:	February 20, 1996	Examiner:	M. Moezie
Title:	FATTY ACID ANTIMICROBIAL		

DECLARATION OF DR. GEORGE MEISTERS

I, George Meisters, hereby declare as follows:

1. I am employed by Babson Bros. Co. as a formulation chemist. My title is Senior Research and Development Chemist.

2. I received a B.S. in Chemistry from the University of Wisconsin in 1958, and a Ph.D in Organic Chemistry from the University of Minnesota in 1962. I have been a practicing chemist since 1962.

3. I prepared the composition of Example 3 of the European Patent No. 530861A2 ("the '861 patent"), as shown in the attached laboratory notebook pages, (Ex. A). The composition was as follows, with the ingredients added in the order shown:

Item	% by wt.
Propylene glycol	22
Methyl paraben	0.5
Monolaurin E.O.(fatty acid ester)	1.0
Emery 658	1.5
Phenoxyethanol	2.5
Pluronic F-68	5.0
DI water	65.5
EDTA Na_2	2.0
	100%

3. I also prepared the composition of Example 3 of the '861 patent using 30% and 60% propylene glycol by replacing some of the deionized water with additional propylene glycol. (See Ex. A).

4. I also prepared the following composition of the claimed invention (see Ex. A), with the ingredients added in the order shown:

Item	% by wt.
Propylene glycol	76
Methyl paraben	0.1
Emery 658 (C_8-C_{12} fatty acid mixture)	1.03
Water	22.72
Wintergreen	0.1
FD&C Yellow #6	0.05
	100%

5. The compositions of Example 3 of the '861 patent were viscous, opaque emulsions, while the composition of the claimed invention was a solution.

6. The compositions of Example 3 of the '861 patent were more difficult and time-consuming to formulate than that of the present invention. One reason for this is that the fatty acid ester of Example 3 is difficult to dissolve.

7. Based on these formulations and my experience as a formulation chemist, it is my opinion that the compositions of the present invention, which do not contain a fatty acid ester, are simpler and less costly to formulate than those of the '861 patent.

8. The formulation of the claimed invention, shown above, and the formulations of Example 3 of the '861 patent were also subjected to cold weather stability tests. All of the Example 3 formulations froze at 0°F, forming a hard paste, while the formulation of the claimed invention did not freeze at 0°F. Upon thawing, the Example 3 formulations separated.

9. The formulation of the claimed invention is therefore much more stable at low temperature than the formulations of Example 3 of the '861 patent. This will be the case even if the amount of propylene glycol used in the composition of the present invention is 60%.

10. Thus, the stability of the compositions of the present invention cannot be solely attributed to the amount of propylene glycol in the composition, because the composition of

Example 3 modified to contain 60% propylene glycol froze at 0°F, while a composition of the present invention having 60% propylene glycol will not freeze at 0°F.

11. I am aware of the formulation of DermaSept™, a cow teat dip marketed by Babson Bros. DermaSept™ is a product that embodies the present invention.

I do hereby certify that the foregoing is true and correct under penalties of perjury under the laws of the United States of America.

George Meisters

Dr. George Meisters

Purpose: Repeat Example 3 in J. Kabara European Pat. Ap @ 22%, 30%, 60% P.G. Levels.

(107-38), 8-29-97, in 100g scale

Part #	Ingredients	107-38	107-38-1	107-38-2
			% by wt.	
40 667	Propylene glycol	22	30	60
40 601	Methyl-paraben	0.5	0.5	0.5
—	Monolaurin ED	1.0	1.0	1.0
41 234	Emery 658	1.5	1.5	1.5
—	Phenylethanol	2.5	2.5	2.5
—	Pluronic L-64	5.0	5.0	5.0
40 680	DI water	65.5	57.5	27.5
40 089	EDTA Na2	2.0	2.0	2.0
		100%	100%	100%

Stirred all for 1 hr.

All are milky emulsions

pH	4.36	4.46	—

in freeze 9-2-97 All 3 samples are not ripe to break paste st

is not possible.

All 3 samples separate on standing at room temperature in about 2 days.

DERMA SEPT is stable @ RT at 60% propylen glycol & higher than that.

Continued on Page

Read and Understood By

G. J. Kabara 9-2-97

Signed Date Signed

EXHIBIT

A